

UNITED STATES DISTRICT COURT

for the
Eastern District of California

FILED

Oct 23, 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

In the Matter of the Search of

ROBERT JAMES NUCKOLS

Case No.

2:24-sw-1006 CKD

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

SEE ATTACHMENT A, attached hereto and incorporated by reference.

located in the _____ Eastern _____ District of _____ California _____, there is now concealed (*identify the person or describe the property to be seized*):

SEE ATTACHMENT B, attached hereto and incorporated by reference

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. § 1361

Damage of Government Property

The application is based on these facts:

SEE AFFIDAVIT, attached hereto and incorporated by reference.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice _____ 30 _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/

Applicant's signature

Frank A. Pellegrini – FPS Special Agent

Printed name and title

Sworn to me and signed telephonically.

Date: _____ October 23, 2024 at 2:59 pm

City and state: _____ Sacramento, California

Carolyn K. Delaney

Judge's signature

Carolyn K. Delaney, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Frank Pellegrini, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of an application for a warrant for the seizure of samples of deoxyribonucleic acid (“DNA”), which are to be obtained via cotton/buccal, or cheek, swab from ROBERT JAMES NUCKOLS who is currently in custody at the Rio Consumnes Correction Center (“RCCC”), in Elk Grove, California.

2. I am investigating a May 14, 2024 incident of damage to a government vehicle at the federal courthouse in Sacramento, California, a violation of 18 U.S.C. § 1361 (Damage of Government Property). As discussed below, there is probable cause to believe that the DNA sought in this warrant will match DNA that was obtained from a DNA swab off the concrete leading away from the damaged government vehicle.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

II. PERSON TO BE SEARCHED AND ITEMS TO BE SEIZED

4. This affidavit is made in support of a warrant to search the person of NUCKOLS, as described in Attachment A, which is incorporated herein by reference, to seize samples of NUCKOLS’ DNA, which is to be obtained through cotton/buccal swab of the mouth, as described in Attachment B, which is incorporated herein by reference.

III. BACKGROUND OF AFFIANT

5. I, Frank A. Pellegrini have been a criminal investigator (Special Agent) with the Federal Protective Service (FPS) since September of 2017. I am currently assigned to the Sacramento, California area of responsibility, investigating violations of federal law in the

Eastern District of California. I am a sworn federal law enforcement officer and have authority to investigate federal offenses pursuant to Title 18 of the United States Code. I am certified to work as a criminal investigator with FPS after completing the Federal Law Enforcement Training Center's (FLETC) Criminal Investigator Training Program in Glynco Georgia. I am also certified to work as a part time Investigator for FPS' Office of Internal Investigations (OII) after completing the FLETC based FPS OII Basic Training Program. I was a uniformed police officer (Inspector) with FPS from February of 2009 to September of 2017. I was certified to work as an Inspector with FPS after completing FLETC's Uniformed Police Training Program in Glynco, Georgia. During my assignment as an Inspector, I was also employed as a K9 officer with FPS from 2011 to 2017.

IV. STATEMENT OF PROBABLE CAUSE

6. On May 14, 2024, an unknown adult male SUBJECT (later identified as ROBERT JAMES NUCKOLS) entered the Federal Courthouse located at 501 I Street in Sacramento, California (the "federal facility"). NUCKOLS claimed he was an FBI Agent and requested further entrance into the facility. Court Security Officers ("CSOs") denied NUCKOLS entry.

A. A white male adult matching NUCKOLS' Description Damaged a Government Vehicle

7. Later that day, it was discovered that a United States-government vehicle (leased by the United States Marshal's Service ("USMS")), specifically, a Black Dodge Durango bearing California license plate 8DLT710 (the "damaged vehicle"), was damaged while parked and unoccupied in the sallyport of the federal facility.

8. I reviewed security camera footage from May 14, 2024 and observed a white male adult, later identified as NUCKOLS, walk alongside the Courthouse and approach the Durango. The Durango was parked in a driveway leading to the USMS sallyport gates. NUCKOLS kicked and hit the driver's side mirror several times, damaging the mirror. As NUCKOLS walked away

from the vehicle, he grasped his right hand and looked at the hand indicating a possible injury. I preserved the video as evidence.



NUCKOLS Hits Driver's Side Mirror



NUCKOLS Walks Away Holding Hand



Damage to Durango Driver's Side Mirror

B. Blood Evidence Was Left at the Scene

9. On May 14, 2024, Inspector DESILVA and I responded to the federal facility. In the sallyport, we located several dried blood droplets leading away from the damaged vehicle. Inspector DESILVA and I obtained three swabbed DNA samples from the concrete leading away from the damaged government vehicle. The samples were later submitted to the DOJ forensic laboratory for analysis.



Blood spot on H Street next to Federal Courthouse

C. CODIS Hit Identifies NUCKOLS as a Match for the Blood Found at the Scene.

10. On September 20, 2024, I reviewed DOJ Hit Notification Letter (CAL-DNA Hit Number DNH-92599-24, Match ID CB0000769897). The letter identified NUCKOLS as a DNA candidate match profile withing the Combined DNA Index System ("CODIS"). After receiving this information, I generated a side-by-side photo comparison from NUCKOLS' only mugshot via Cal Photo dated August 7, 2024, with a facial shot from the affected facility's Video Surveillance System (VSS) dated May 14, 2024. Based on the photo comparison, I believe NUCKOLS is the person seen in the May 14, 2024 VSS and is responsible for the damage to the government vehicle.



D. NUCKOLS Confessed to Damaging the Government Vehicle

11. On October 8, 2024, Inspector DESILVA and I conducted an in-person, in custody, recorded interview with NUCKOLS at the Rio Consumnes Correction Center (RCCC, Address 12500 Bruceville Road, Elk Grove, California 95757). NUCKOLS waived his *Miranda* rights and agreed to speak with us. NUCKOLS immediately recalled the incident at the federal courthouse in May 2024 and described the damaged vehicle and its location correctly. NUCKOLS stated that he went to the federal facility to get a casefile. According to NUCKOLS, he tried to enter the facility, but the guards laughed at him when he claimed to be the President. NUCKOLS stated that he then broke the driver side mirror of the vehicle because it was parked

in the courthouse's driveway. I showed NUCKOLS the security camera footage of the May 14 incident and he admitted that he was the man in the video. NUCKOLS further admitted that he injured his right hand when he punched the mirror and it took approximately two weeks to heal.

E. Need for DNA Sample

12. Based on my training and experience, I understand that NUCKOLS' DNA must be forensically tested to complete a statistical analysis by the DOJ forensic laboratory. The DOJ testing will specifically compare NUCKOLS' DNA sample with the DNA sample retrieved from the concrete leading away from the damaged government vehicle. This is necessary as the DOJ forensics laboratory does not have access to the original DNA sample uploaded to CODIS that led to the CODIS hit.

13. Based on the foregoing, I believe that cotton/buccal or cheek swab samples from NUCKOLS are required to statistically confirm that NUCKOLS' DNA is a match for the DNA swab taken from the concrete leading away from the damaged government vehicle, as indicated by the CODIS database positive hit.

F. Request for Use of Reasonable Force

14. Based on my training and experience, and the nature of the criminal conduct described above, I believe NUCKOLS may refuse to comply with any court-authorized efforts to obtain his DNA. Accordingly, I also respectfully request authority to use reasonable force in order to obtain a DNA sample.

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V. CONCLUSION

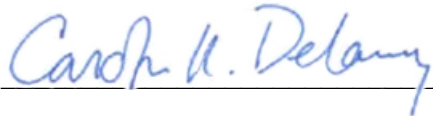
15. Based on the foregoing, I believe there is probable cause to believe that evidence of violation of 18 U.S.C. § 1361 (Damage of Government Property), as described above, will be found by taking cotton/buccal DNA swab, as described in Attachment B, from the person described in Attachment A, for purposes of comparison to the DNA swab from the concrete leading away from the damaged government vehicle obtained during the course of this investigation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

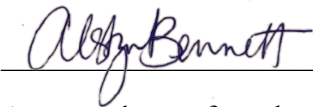
/s/

Frank A. Pellegrini
Special Agent, FPS

Subscribed and sworn to me telephonically on October 23, 2024.



HON. CAROLYN K. DELANEY
CHIEF UNITED STATES MAGISTRATE JUDGE



Approved as to form by

ALSTYN BENNETT
Assistant United States Attorney

ATTACHMENT A

PERSON TO BE SEARCHED

The person to be searched is ROBERT JAMES NUCKOLS with a date of birth XX-XX-1983, who is currently in the custody of Rio Consumnes Correction Center. NUCKOLS is further described by the Sacramento Sheriff's Department Inmate Information System, and CA Department of Motor Vehicles System as:

X-Reference Number#: X4985604

CA Driver's License Number#: D1293212

Name: ROBERT JAMES NUCKOLS

Sex: Male

Height: 6'03"

Weight: 225 lbs.

Hair: Brown

Eyes: Brown

ATTACHMENT B

ITEMS TO BE SEIZED

Biological sample containing the DNA of ROBERT JAMES NUCKOLS, which is to be obtained through a cotton/buccal swabs of the inner tissues of NUCKOLS' mouth, and should NUCKOLS refuse to comply with the execution of the search, may be obtained through the use of reasonable force.

Carolyn K. Delaney, U.S. Magistrate Judge
Printed name and title

Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
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I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

_____ Signature of Judge	_____ Date
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